

AARON C. GROSS (AG-0498)  
Sobel Pevzner, LLC  
**Attorneys for Defendants:**  
**KENAN ADVANTAGE GROUP, INC. and**  
**FREDERICK NAPIER**  
464 New York Avenue, Suite 100  
Huntington, New York 11743  
Tel: 631-549-4677  
File No.: KAG-15623  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ADAM JBRAH,

Plaintiff,

- against -

KENAN ADVANTAGE GROUP, INC. and  
FREDERICK NAPIER,

Defendants.  
-----X

Civil Action No.: 2:21-cv-6158

**NOTICE OF REMOVAL**

TO: Bryan J. Swerling, Esq.  
LAW OFFICE OF BRYAN J. SWERLING, P.C.  
**Attorneys for Plaintiff:**  
**ADAM JBRAH**  
15 Maiden Lane – Suite 2005  
New York, NY 10038  
Tel: 212-571-5757

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C., Section 1441, defendants, **KENAN ADVANTAGE GROUP, INC. and FREDERICK NAPIER** (the “Removing Defendants”), hereby remove this action from the Supreme Court of the State of New York, County of Kings, to the United States District Court for the Eastern District of New York. The Removing Defendants appear solely for the purpose of removal and for no

other purpose, reserving all other defenses available to them, and allege as follows:

1. The defendant, KENAN ADVANTAGE GROUP, INC., is an authorized foreign corporation with its principal place of business at 4366 Mt. Pleasant St NW, North Canton, OH 44720, and the defendant, FREDERICK NAPIER, resides at 1223 Knossos Drive, Whitehall, PA 18052.
2. The plaintiff, ADAM JBRAH, resides at 946 Fulton Street, Brooklyn, NY 11238.
3. This notice of removal is being filed within thirty (30) days of plaintiff's deadline to reply to Removing Defendants' Notice to Admit as to damages, and thus is timely filed pursuant to 28 U.S.C., Section 1446(b). A copy of Removing Defendants' Notice to Admit, which was served on plaintiff on October 5, 2021, is annexed hereto as **Exhibit "A."** To date, plaintiff has not served a Reply to Removing Defendants' Notice to Admit, and pursuant to the C.P.L.R., has now admitted that the amount in controversy is greater than \$75,000.00.
4. In compliance with 28 U.S.C. Section 1446(a) annexed hereto as **Exhibit "B"** is a copy of the plaintiff's Summons and Complaint dated June 30, 2021. No Affidavits of Service on the defendants have been electronically filed with the Supreme Court by the plaintiff nor copies provided to the Removing Defendants.
5. The Removing Defendants responded to plaintiff's Summons and Complaint by service of a Verified Answer and Combined Discovery Demands, on October 5, 2021, including a Demand for Damages. See **Exhibit "C"** annexed hereto, which constitutes all pleadings served upon the parties herein.

6. The plaintiff in this action seeks to recover a sum in an amount in excess of the upper monetary jurisdictional limit of all lower courts, in compensation for personal injuries which allegedly occurred on or about the 21<sup>st</sup> day of January, 2020, while the plaintiff was operating a motor vehicle at 2781 W/B Brooklyn Queens Expressway at or near the intersection of Leonard Street and Brooklyn Queens Expressway in the County of Kings, State of New York.

7. Jurisdiction in the United States District Court is founded upon 28 U.S.C. Section 1332(a) as there exists diversity of citizenship between the parties and the sum sought by the plaintiff exceeds Seventy-Five Thousand (\$75,000.00) Dollars.

8. Removing Defendants will promptly file a copy of this Notice of Removal in the Supreme Court of the State of New York, County of Kings, and will serve a copy of the same on the plaintiff in accordance with 28 U.S.C., Section 1446(3).

**WHEREFORE**, Removing Defendants, **KENAN ADVANTAGE GROUP, INC. and FREDERICK NAPIER**, give notice that the above-captioned action commenced against them in the Supreme Court of the State of New York, County of Kings, has been removed to this Court.

Dated: Huntington, New York  
November 4, 2021

  
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AARON C. GROSS (AG-0498)